

**CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK: NON-HOUSING PART**

-----X  
180 MADISON OWNERS LLC,

Petitioner-Landlord,

-against-

NATIONAL SETTLEMENT AGENCY, INC.  
180 Madison Avenue  
Suite 1203  
New York, New York 10016

Respondent-Tenant,

"XYZ CORPORATION",

Respondent-Undertenant.

The name of Undertenant(s) being fictitious and unknown to Petitioner, person(s) and/or entities intended being in possession of the premises herein described.

Index No.:

**091799 07**

**NON-PAYMENT  
NOTICE OF PETITION**

-----X  
  
To the respondents above named and described, in possession of the premises hereinafter described or claiming possession thereof:

**PLEASE TAKE NOTICE** that the annexed petition of 180 MADISON OWNERS LLC, verified on October 11, 2007, requests a final judgment of eviction awarding to the petitioner possession of premises described as follows: 180 Madison Avenue, Suite 1203, New York, New York 10016, as demanded in the petition.

**TAKE NOTICE** also that demand is made in the petition for judgment against you for the sum of \$81,097.50 with interest, costs, disbursements and attorneys' fees from July 1, 2007.

**TAKE NOTICE** also that within five (5) days after service of this notice of petition upon you, you must answer, either orally before the Landlord/Tenant Clerk of this Court at 111 Centre Street, New York, New York, or in writing by serving a copy thereof upon the undersigned attorney for the petitioner, and by filing the original of such answer, with proof of service thereof, in the Office of the Landlord/Tenant Clerk. Your answer may set forth any defense or counterclaim you may have against the petitioner unless such defense or counterclaim is precluded by law or prior agreement of the parties. On receipt of your answer, the Clerk will fix and give notice of the date for trial or hearing which will be held not less than three (3) nor more than eight (8) days thereafter, at which you must appear. If, after the trial or hearing, judgment is rendered against you, the issuance of a warrant dispossessing you may, in the discretion of the Court, be stayed for five (5) days from the date of such judgment.

**TAKE NOTICE** also that if you fail to interpose and establish any defense that you may have to the allegations of the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

**TAKE NOTICE** that under Section 745 of the Real Property Actions and Proceedings Law, you may be required by the Court to make a rent deposit, or a rent payment to the petitioner, upon your second request for an adjournment or if the proceeding is not settled or a final determination has not been made by the Court within thirty (30) days of the first court appearance. Failure to comply within initial rent deposit or payment order may result in the entry of a final judgment against you without a trial. Failure to make subsequent required deposits or payments may result in an immediate trial on the issues raised in your answer.

In the event you fail to answer and appear, final judgment by default will be entered against you but a warrant dispossessing you will not be issued until the tenth (10<sup>th</sup>) day following the date of the service of this notice of petition upon you.

Dated: New York, New York

OCT 11 2007

\_\_\_\_\_  
Jack Baer  
Clerk of the Civil Court

**CYRULI SHANKS HART & ZIZMOR LLP**

By: Alfonso DeCicco  
Alfonso DeCicco, Esq.  
Attorneys for Petitioner  
420 Lexington Avenue  
New York, New York 10170  
(212) 661-6800

**CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK: NON-HOUSING PART**

-----X  
180 MADISON OWNERS LLC,

Index No.:

Petitioner-Landlord,

-against-

**NON-PAYMENT  
VERIFIED PETITION**

NATIONAL SETTLEMENT AGENCY, INC.  
180 Madison Avenue  
Suite 1203  
New York, New York 10016

Respondent-Tenant,

"XYZ CORPORATION",

Respondent-Undertenant.

The name of Undertenant(s) being fictitious and unknown to Petitioner, person(s) and/or entities intended being in possession of the premises herein described.

-----X  
**THE PETITION OF 180 MADISON OWNERS LLC** ("Petitioner"), alleges that:

1. Petitioner, a domestic limited liability company, is the landlord of the premises hereinafter described and sought to be recovered in this proceeding (the "Premises").

2. Respondent, NATIONAL SETTLEMENT AGENCY, INC. ("Respondent"), is the tenant of the Premises who entered into possession thereof under a written lease agreement between Petitioner, as landlord, and Respondent, as tenant, wherein Respondent promised to pay to Petitioner rent in the amount of \$25,100.00 each month in advance on the 1<sup>st</sup> day of each month, plus additional rent.

3. Respondent "XYZ Corporation" is the undertenant, if any, in possession of the Premises, whose identity is unknown to Petitioner.

4. Respondents are now in possession of the Premises.

5. The Premises from which removal is sought are described as follows: 180 Madison Avenue, Suite 1203, New York, New York 10016, which is situated within the territorial jurisdiction of the Civil Court of the City of New York, County of New York.

6. Pursuant to said agreement there was due to Petitioner from Respondent rent and additional rent as follows:

		Charges	Payments	Balance
07/01/07	Rent (07/2007)	25,100.00		25,100.00
07/01/07	Electric Charges (07/2007)	1,882.50		26,982.50
07/01/07	Sprinkler (07/2007)	50.00		27,032.50
08/01/07	Rent (08/2007)	25,100.00		52,132.50
08/01/07	Electric Charges (08/2007)	1,882.50		54,015.00
08/01/07	Sprinkler (08/2007)	50.00		54,065.00
09/01/07	Rent (09/2007)	25,100.00		79,165.00
09/01/07	Electric Charges (09/2007)	1,882.50		81,047.50
09/01/07	Sprinkler (09/2007)	50.00		81,097.50

**TOTAL AMOUNT DUE: \$81,097.50**

7. Respondent defaulted in the foregoing payments in the total sum of \$81,097.50.

8. The foregoing rent has been demanded in writing from the Respondent since the same became due. A copy of said written demand with proof of service upon Respondent is annexed hereto and made a part hereof.

9. Respondent holds over and continues in possession of the Premises without Petitioner's permission after said default.

10. In addition to the foregoing sums, pursuant to the written rental agreement between Petitioner and Respondent, Petitioner is entitled to recover from Respondent the attorneys' fees that Petitioner incurs in prosecuting this proceeding.

11. Petitioner lacks written information or notice of any address where Respondent has a place of business other than the Premises sought to be recovered.

12. The Premises are not subject to Rent Control, Rent Stabilization or the Emergency Tenant Protection Act of 1974 because they are rented and used exclusively for commercial purposes.

13. The Premises are not a multiple dwelling.

**YOUR PETITIONER REQUESTS:** that a final judgment be made awarding to Petitioner (i) possession of the Premises and (ii) rent in arrears as against Respondents in the sum of \$81,097.50 with interest from July 1, 2007 plus costs and disbursements of this proceeding, and attorneys' fees; and (iii) that a warrant issue to remove Respondents from possession of said Premises.

Dated: New York, New York  
October 11, 2007

**180 MADISON OWNERS LLC**  
Petitioner-Landlord

VERIFICATION

ALFONSO DECICCO, an attorney duly admitted to practice before the courts of this State hereby affirms under the penalty of perjury that:

1. I am associated with Cyruli Shanks Hart & Zizmor LLP, the attorneys for the petitioner in this proceeding.
2. I have reviewed the annexed petition and same is true to my own knowledge, except as to matters alleged to be upon information and belief, and as to those matters I believe them to be true.
3. The basis for my knowledge is the books and records of the Petitioner and discussions with Petitioner's employees and agents.
4. This verification is made pursuant to RPAPL 741.

Dated: New York, New York  
October 11, 2007

  
Alfonso DeCicco

**DEMAND FOR RENT**

**TENANT:** NATIONAL SETTLEMENT AGENCY, INC.

**PREMISES:** Suite 1203  
180 Madison Avenue  
New York, New York 10016 (the "Premises")

**AMOUNT DUE:** \$81,097.50 (See Schedule A annexed hereto and made a part hereof)

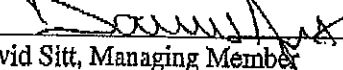
**TO THE TENANT OF THE PREMISES:**

**PLEASE TAKE NOTICE** that you are justly indebted to the undersigned, 180 MADISON OWNERS LLC, the landlord of the Premises ("Landlord"), for the amount set forth above which you are required to pay on or before the expiration of three (3) days from the date of service of this demand upon you or surrender up the possession of the Premises to Landlord (in which event you shall remain responsible for the amounts set forth above and rents accruing for the remainder of the term of your lease for the Premises), in default of which Landlord will commence summary proceedings under the statute to recover the possession thereof.

**PLEASE TAKE FURTHER NOTICE** that you are responsible for all attorneys' fees, costs and disbursements incurred with respect to the preparation and service of this demand upon you.

Dated: New York, New York  
September 24, 2007

180 MADISON OWNERS LLC, Landlord  
By: Sitt Asset Management, LLC, Agent

By:   
David Sitt, Managing Member



**SCHEDULE A**

		Charges	Payments	Balance
07/01/07	Rent (07/2007)	25,100.00		25,100.00
07/01/07	Electric Charges (07/2007)	1,882.50		26,982.50
07/01/07	Sprinkler (07/2007)	50.00		27,032.50
08/01/07	Rent (08/2007)	25,100.00		52,132.50
08/01/07	Electric Charges (08/2007)	1,882.50		54,015.00
08/01/07	Sprinkler (08/2007)	50.00		54,065.00
09/01/07	Rent (09/2007)	25,100.00		79,165.00
09/01/07	Electric Charges (09/2007)	1,882.50		81,047.50
09/01/07	Sprinkler (09/2007)	50.00		81,097.50

**TOTAL AMOUNT DUE:****\$81,097.50**

**AFFIDAVIT OF SERVICE**

INDEX NO. L &amp; T:

COURT DATE:

COUNTY PART: ROOM: TIME:

Attorneys: CYRULI SHANKS &amp; ZIZMOR LLP Ph: 212-661-6800

Address: 420 LEXINGTON AVENUE NEW YORK NY 10170 File No.: 7504.032

180 MADISON OWNERS LLC

PETITIONER-LANDLORD

-against-

NATIONAL SETTLEMENT AGENCY INC.

RESPONDENT-TENANT

-and-

RESPONDENT-UNDER TENANTS

STATE OF NEW YORK, COUNTY OF NEW YORK, SS.:

DAWN NIOLA being duly sworn, deposes and says that deponent is not a party to this proceeding, is over the age of 18 years and resides in the State of New York. That on September 28, 2007 at: 2:13PM deponent served the within Three Day Notice on NATIONAL SETTLEMENT AGENCY INC., Respondent therein named at 180 MADISON AVE, SUITE 1203, NEW YORK, NY 10016

#1 INDIVIDUAL ☐ Deponent served the legal paper(s) noted above at the above address by delivering a true copy of each to said respondent personally. Deponent knew the person so served to be the person described as said respondent above. ☐ (S)He identified (her) him as such.

#2 CORPORATION ☐ By delivering a true copy thereof personally to \_\_\_\_\_ deponent knew said corporation so served to be the corporation described therein as tenant and knew said individual to be the \_\_\_\_\_ thereof.

#3 AFFIXING TO DOOR ☒ The respondent(s) were served by affixing separate true copies for each respondent, to the door of the premises sought to be recovered. At the time of said service, deponent rang the bell and/or knocked on the door but received no reply. After reasonable application, deponent was unable, to find the aforementioned respondent(s) or a person of suitable age and discretion who was willing to accept service at the above address, having previously called there: 9-27-07 AT 4:18PM 9-28-2007 at 2:13PM

#4 SUITABLE AGE PERSON ☐ By gaining admittance to said property and delivering to and leaving with \_\_\_\_\_ a true copy thereof for each and every respondent personally who is a person of suitable age and discretion, who resides or is employed at the premises sought to be recovered.

#5 DESCRIPTION ☐ Sex: \_\_\_\_\_ Skin: \_\_\_\_\_ Hair: \_\_\_\_\_ Age: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_  
(use with #1, 2 or 4) Other identifying features: \_\_\_\_\_

MAILING ☒ That on 9-28-2007 I mailed true copies of the Three Day Notice by Certified & regular mail from New York City in separate postpaid sealed envelopes (marked personal & confidential) addressed to each respondent at the premises sought to be recovered at: 180 MADISON AVE, SUITE 1203, NEW YORK, NY 10016 and deposited these envelopes with a U. S. Postal Clerk within the State of New York.

Sworn to before me on October 1, 2007

WENDY RESNICK  
NOTARY PUBLIC, State of New York  
No. 01RE5067464, Westchester County  
Commission Expires Oct. 15, 2010

DAWN NIOLA  
Server's Lic # 1259082  
Invoice/Work Order # 07025241

7007 1490 0002 0095 4569

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 41
Certified Fee	260
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	300

**NATIONAL SETTLEMENT AGENCY INC.**  
 07025241  
 180 MADISON AVE, SUITE 1203  
 NEW YORK, NY 10016

PS Form 3800, August 2000

for Instructions

NEW YORK NY 10001  
 CHURCH STREET STATION  
 SEP 28 2007

**U.S. POSTAL SERVICE** **CERTIFICATE OF MAILING**

MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER

Received From:  
 SUITE 1201  
 401 BROADWAY  
 NEW YORK, NY 10013

One piece of ordinary mail addressed to:  
 NATIONAL SETTLEMENT AGENCY INC.  
 07025241  
 180 MADISON AVE, SUITE 1203  
 NEW YORK, NY 10016

PS Form 3817, January 2001

NEW YORK NY 10001  
 CHURCH STREET STATION  
 SEP 28 2007

USA 1